



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,701	12/02/2003	Jean-Paul Accarie	02997.002501.	1995
5514 7590 07/18/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER LIU, LIN	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,701

Applicant(s)

ACCARIE ET AL.

Examiner

Lin Liu

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/26/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to communications filed on 12/02/2003.
Claims 1-27 are pending and have been examined.
2. The information disclosure statement (I.D.S) filed on 01/26/2004 is considered.

Drawings

3. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated on the background of invention. See MPEP § 608.02(g).
Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 1-27** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. With regard to **claim 1, 13, 14 and 26**, the instant claims recite: "... managing communication between devices...", the result managing is merely monitoring and watching the network communication, which has no real-world concrete and tangible result. In order for a claim to be statutory, it must result in a useful, concrete and tangible result. Claims 2-12 and 27 are dependent claims of claim 1, and claims 15-25 are dependent claims of claim 14, thus they are rejected under the same reason.

Claims 14 and 26 are directed toward systems with means for functions, wherein means to determine, means to represent and means to manage can all be implemented by software alone. Claims directed toward software alone refer to functional descriptive material, which is per se non-statutory. Claims 15-25 depend on claim 14, thus they are rejected under the same reason.

Claim 27 recites: "a computer program product comprising instruction sequences...", wherein the instruction sequences is not stored on any computer readable medium. Therefore, it is software alone. Claims directed toward software alone refer to functional descriptive material, which is per se non-statutory.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims **1-27** are rejected under 35 U.S.C 102 (e) as being anticipated by **Henry et al. (publication no.: US 2005/0078679 A1)**.

Consider **claim 1**, Henry teaches a method of interconnection, through a gateway, between a first network of type IEEE 1394 enabling communications between a plurality of HAVi compliant devices and a second network enabling communications between a plurality of devices (Henry, fig 1) comprising the steps of:

determining a global unique identifier for each device from the second network (Henry, page 3, paragraphs 68 and 69, noted the GUID identifier in the TargetID data structure);

determining a distinct IEEE 1394 address for each device from the second network (Henry, page 4, paragraphs 75-77, noted the DCM_Proxy and FCM_Proxy identifies);

representing each device from the second network by a HAVi compliant software element hosted by the gateway (Henry, page 3, paragraphs 61 and 62, noted the DCM and FCM modules);

managing communication between devices from the first network and devices from the second network, using for each device from the second network, its corresponding software element associated with the global unique identifier and the IEEE1394 address (Henry, Fig. 6, and page 5, paragraphs 93-95, noted that the Stream Manager monitors the connection between the HAVi devices and the UPnP devices using the GUID identifiers).

Consider **claim 2**, Henry teaches a method according to claim 1, wherein the second network enables communications between a plurality of UPnP compliant devices (Henry, fig. 6, UPnP devices 3 and 18 and page 5, paragraph 96).

Consider **claim 3**, Henry teaches a method according to claim 2, wherein the step of determining a global unique identifier comprises the step of generating a global unique identifier (Henry, page 3, paragraph 68, noted the GUID identifier).

Consider **claim 4**, Henry teaches a method according to claim 2, wherein the step of determining a IEEE 1394 address for each device from the second network comprises a further step of generating a virtual IEEE 1394 address (Henry, page 4, paragraphs 75-77, noted the DCM_PROXY or DCM_NON1394, FCM_PROXY or FCM_NON1394 identifiers).

Consider **claim 6**, Henry teaches a method according to claim 2, wherein the step of managing communication between devices from the first network and devices from the second network comprises the step of forming a bridge between a first bridge portal connected to the first network and an emulated second bridge portal (Henry, page 3, paragraph 61-62, noted that the software element bridges the devices between the HAVi and UPnP networks) and the step of managing communication between the emulated second bridge portal and the devices from the second network (Henry, page 3, paragraph 63, noted updating the service).

Consider **claim 5**, Henry teaches a method according to claim 4, wherein the step of generating a virtual IEEE 1394 address comprises a step of generating a bus identifier, representing the second network, according to the standard IEEE 1394.1

(Henry, page 4, paragraphs 75-77, noted the DCM_PROXY or DCM_NON1394, FCM_PROXY or FCM_NON1394 identifiers).

Consider **claim 7**, Henry teaches a method according to claim 1, wherein the second network enables communications between a plurality of HAVi compliant devices (Henry, fig. 4, and page 6, paragraph 120, noted the two HAVi devices).

Consider **claim 8**, Henry teaches a method according to claim 7, wherein the step of determining a global unique identifier comprises the step of retrieving the global unique identifier of the corresponding HAVi device from the second network (Henry, page 3, paragraphs 69-70).

Consider **claim 9**, Henry teaches a method according to claim 7, wherein the step of determining a IEEE1394 address comprises the step of retrieving the IEEE1394 address of the corresponding HAVi device from the second network (Henry, page 3, paragraphs 66 and 68).

Consider **claim 10**, Henry teaches a method according to claim 7, wherein the step of managing communication between devices from the first network and devices from the second network comprises the step of forming a bridge compliant with the IEEE1394.1 standard between a first bridge portal connected to the first network and a second bridge portal connected to the second network (Henry, page 3, paragraph 61-62, noted that the software element bridges the devices between the HAVi and UPnP networks).

Consider **claim 11**, Henry teaches a method according to claim 1, wherein the step of managing communication between a first device from the first network and a

Art Unit: 2145

second device from the second network includes a step of retrieving, by the first device, the IEEE 1394 address associated to the second device using a discovery and enumeration protocol (Henry, page 4, paragraphs 83 and 87-89).

Consider **claim 12**, Henry teaches a method according to claim 1, which includes a further step of managing virtual registers compliant with IEC61883 specification associated with each device from the second network (Henry, page 3, paragraph 67, noted that the DCM and FCM registers are compliant with IEC 61883 standard).

Consider **claim 13**, Henry teaches a method of interconnection, through a gateway, between a first serial bus network enabling transmission of audiovisual data (Henry, page 3, paragraph 70) enabling communications between a plurality of devices, compliant with a first standard of interoperability between devices connected to a serial bus network adapted for audiovisual data transmission, and a second network enabling communications between a plurality of devices (Henry, fig 1) comprising the steps of:

determining a global unique identifier for each device from the second network (Henry, page 3, paragraphs 68 and 69, noted the GUID identifier in the TargetID data structure);

determining a distinct address compliant with the first serial bus network for each device from the second network (Henry, page 4, paragraphs 75-77, noted the DCM_Proxy and FCM_Proxy identifies);

representing each device from the second network by a software element (Henry, page 3, paragraphs 61 and 62, noted the DCM and FCM modules), providing an interface for controlling functions of the device (Henry, page 3, paragraph 66, noted

the API), in conformity with the first standard of interoperability, the software element being hosted by the gateway;

managing communication between devices from the first network and devices from the second network, using for each device from the second network, its corresponding software element associated with its global unique identifier and its address (Henry, Fig. 6, and page 5, paragraphs 93-95, noted that the Stream Manager monitors the connection between the HAVi devices and the UPnP devices using the GUID identifiers).

Consider **claims 14-25**, the limitations of these claims are substantially the same as those in claims 1-12. Therefore the same rationale for rejecting claims 1-12 is used to reject claims 14-25. By this rationale **claims 14-25** are rejected.

Consider **claim 26**, the limitations of this claim are substantially the same as those in claim 13. Therefore the same rationale for rejecting claim 13 is used to reject claim 26. By this rationale **claim 26** is rejected.

Claim 27 lists all the limitations of **claim 1-13**, but in a computer software code form rather than method form. Therefore, the supporting rationale of the rejection to **claim 1-13** applies equally as well to **claim 27**.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Langian et al. (publication no.: US 2003/0110334 A1) discloses a HAVi-UPnP bridging network with plurality of HAVi devices.
- Henry (Publication No.: US 2005/0018696 A1) discloses a method a method for connecting a HAVi cluster and an IP cluster using a bridge device.
- Cho (publication no.: US 2003/0016682 A1) discloses a gateway enabling data communication between HAVi network and UPnP network.
- Shteyn (patent no.: US 6,618,764 B1) discloses a method for enabling interaction between two home networks of different software architectures.
- Seki (publication no.: US 2003/0018753 A1) discloses a remote control proxy method.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447.

The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2145

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L. Liu
07/10/2007



JASON CARDONE
SUPERVISORY PATENT EXAMINER